

**Application for a Writ Habeas Corpus
In Behalf of**

Richard W. Comerford

05-11776 WGY

referred to JUDGE Dean

The petition of Richard W. Comerford respectfully represents unto your Honor, that on or about April 1996 the U.S. Secretary of Defense ("Secretary") acting without due process ceased to provide plaintiff with entitled active duty benefits to include pay and medical care while at the same time unlawfully detaining your petitioner on Active Guard and Reserve ("AGR") duty.

Your petitioner also respectfully represents unto your Honor that he qualified for retirement from active duty pursuant to 10 USC 3911 on or about October 1992.

Your petitioner also respectfully represents unto your Honor that on or about August 1993 he was injured in the line of duty while serving on Active Guard and Reserve duty pursuant to 32 USC 502 (f) and that he was subsequently certified as incapacitated by his commander and found "not medically fit for continued service" by a military medical duty review board and that said board referred him to medical and physical evaluation boards for a medical retirement.

Your petitioner also respectfully represents unto your Honor that on or about May 2005 your petitioner reached approximately 30-years of active service in the Armed Forces of the United States and that in violation of Army Regulation 135-18 the Secretary has continued to unlawfully detain plaintiff on AGR duty without the consent and permission of Congress.

Your petitioner also respectfully represents unto your Honor that without a discharge certificate separating him from AGR duty plaintiff cannot lawfully collect civilian employment, Veterans or military retirement benefits and that he has been reduced to the state of a pauper.

Your petitioner also respectfully represents unto your Honor that while the Secretary has unlawfully detained plaintiff on AGR duty for 9-years without entitled active duty pay that the Secretary has at the same time harassed plaintiff with baseless investigations which purport that plaintiff has purportedly collected civilian employment benefits.

Your petitioner further respectfully represents unto your Honor that over the past 9-years he and his Members of Congress have made literally hundreds of fruitless petitions, applications and requests to the Secretary for the discharge of your petitioner from AGR duty.

Finally your petitioner further respectfully represents unto your Honor under the penalty of perjury that the above cited information is true and correct to the best of his knowledge.

Wherefore your petitioner prays your Honor to grant unto him the United States' most gracious writ of *habeas corpus*, commanding the said Secretary to produce before your Honor the body of your said petitioner, with the cause of his said detention in the Armed Forces.

Respectfully submitted this 3rd Day of August 2005 A.D.

Richard W. Comerford
9 Speedwell Lane
Plymouth, Massachusetts 02360
(508) 833-9396